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File 74-2121
26 September 1974

OGC Has Reviewed

MEMORANDUM FOR THE RECORD

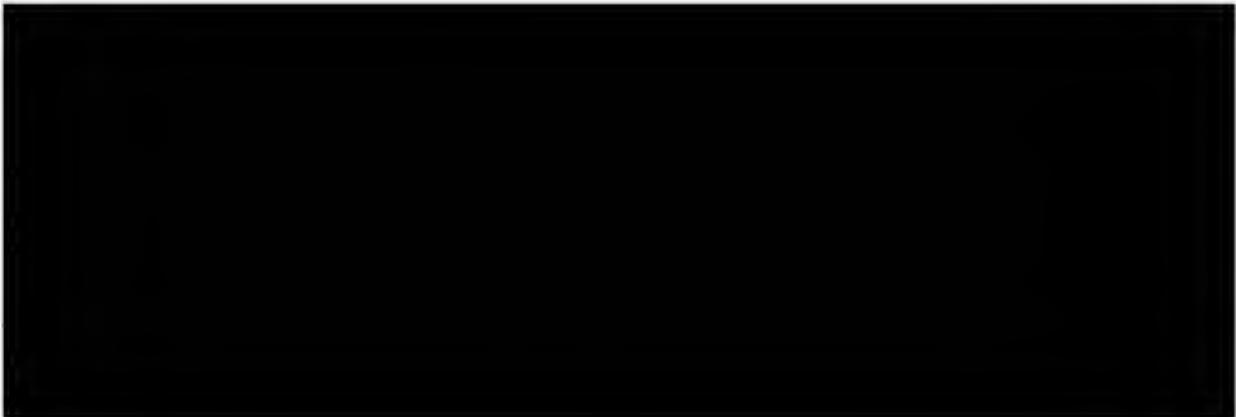
SUBJECT: DCI's Meeting with Attorney General Saxbe

1. The Director and the undersigned met yesterday morning with Attorney General William B. Saxbe and the Assistant Attorney General, Office of Legal Counsel, Antonin Scalia. The principal topic discussed was Scalia's legal opinion of 17 September 1974 which was an attachment to Saxbe's letter to the President of 18 September. Mr. Colby stated that he agreed with the general thrust of the opinion from the standpoint of CIA. He indicated concern about possible interpretation of factor 2 on page 16 of the opinion:

Need for the information sought in order to protect the security of the United States against foreign powers.

Mr. Colby stated he hoped this would be interpreted in a broad fashion since in many aspects CIA procuring of intelligence would not strictly involve the security of the U. S. in the sense of national defense. Mr. Saxbe stated he fully understood, and the intent was that this would be looked at in a broad sense of the "peace, welfare, and tranquillity of the Nation."

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3. There was then discussed the intelligence sources and methods legislation and the most recent letter from the Director to the Attorney General of 17 September. Mr. Saxbe's recollection of this issue was rather vague. Mr. Colby pointed out that the Agency regarded this as a most important matter and that we have been having some problems with the Department of Justice; particularly, it was noted there were different views within the Department. Mr. Saxbe asked Mr. Scalia to look into this matter. (Within a few days we should be back in contact with Assistant Attorneys General Rakestraw's and Petersen's people.)

4. Mr. Scalia brought up a new subject; he asked our views on possible veto of the Freedom of Information Act amendments, H.R. 12471. I informed him that OMB had polled us the day before by telephone, and I had indicated the Agency took a very strong position that this bill, if approved by Congress, should be vetoed. Mr. Scalia stated that, if we wanted to have any impact, we should move quickly to make our views known directly to the President. He indicated that neither State nor Defense would be recommending veto. Later in the day Mr. Scalia telephoned urging us to contact The White House, specifically Geoffrey C. Shepard, Associate Director. I contacted Mr. Shepard and stated our position. He indicated that, in their papers to go forward to the President, they had anticipated this would be our position, but appreciated our call and felt sending a letter to the President would be helpful.

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JOHN S. WARNER
General Counsel

cc: OLC